

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	Case No. 8:06CR32
)	8:06CR332
Plaintiff,)	
)	
v.)	ORDER
)	
MARY S. BECERRA,)	
LOUIS W. JANDREAU,)	
)	
Defendants.)	

This matter is before the court on the government's motions to join defendants Mary S. Becerra and Louis W. Jandreau for trial. Filing No. 141, 8:06CR32; and Filing No. 13, 8:06CR332. The government represents that counsel for Jandreau has no objection to the motion. The court, however, will deny this motion. The case of Mary Becerra¹ has been a long process, but can be summarized as follows: (1) prior to the first trial before this court, the government filed a superseding indictment; this filing resulted in an appeal and the United States Court of Appeals for the Eighth Circuit dismissed the superseding indictment; (2) thereafter, the case was assigned to the Honorable Lawrence L. Piersol; that case resulted in a mistrial on the last day of trial, because certain evidence had not been turned over to defense counsel; (3) a third trial recently concluded before this court in a mistrial, resulting from a hung jury; (4) a fourth trial has been scheduled for February 20, 2007. This case has already been pending in some form for nearly three years.

With regard to Jandreau, he was indicted on October 18, 2006. On December 6, 2006, an order was entered scheduling trial for January 8, 2007. No request was made until January 3, 2007 - five days before defendant Jandreau's trial - to consolidate these two

¹Mary Becerra's original case is docketed at *United States v. Becerra*, 8:04CR288.

cases. The court finds no valid basis exists to consolidate these two defendants at this late juncture. In his response to defendant's resistance to join defendants for trial, the government concedes that a potential *Bruton* problem exists, and that joinder is no longer preferred. Consequently, the government's motion is denied.

ACCORDINGLY, IT IS ORDERED that the government's motions to consolidate, Filing No. 141 as to Mary Becerra, 8:06CR32, and Filing No. 13 as to Louis W. Jandreau, 8:06CR332, are denied.

DATED this 9th day of January, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge